

REMARKS

Reconsideration of this application, as presently amended, is respectfully requested. Claims 1, 4-16 and 19 are pending in this application. Claims 1, 4-16 and 19 stand rejected.

Rejection under 35 U.S.C. §112, second paragraph

Claims 1-18 are rejected under 35 U.S.C. §112, second paragraph, for alleged indefiniteness. The Examiner has repeated this rejection in several Office Actions.

As previously discussed, the Examiner asserts that the claimed “means for transmitting an electronic mail” is indefinite under §112(2) because the specification allegedly does not describe structure corresponding to a “means for transmitting an electronic mail,” and therefore the scope of the claim cannot be determined because, under §112(6), the claim would cover any means for transmitting an electronic mail.

The claims have been amended to obviate this rejection.

More specifically, in the *Response to Arguments*, page 3, lines 10-14, the Examiner states “the language of the claims...indicates that the ‘*electronic mail client*’ comprises a ‘*means for transmitting*’ along with several other components.” Further, the Examiner states “...the ‘means for transmitting’ is disclosed as a component of a facsimile machine or personal computer...” (see Office Action, page 2, lines 16-17).

Therefore, it appears that, because the “means for transmitting an electronic mail” is recited as a component of the “electronic mail client” recited in the preamble of claim 1, the

Examiner believes this component should be described with greater specificity in the specification.

Although applicants maintain the position that the “mail client” or “transmitter” (see Figs. 1, 4 and 6, all of which indicate that the “mail client” and “transmitter” are the same) is disclosed in the specification as a personal computer or an Internet facsimile device, and that one of ordinary skill in the art would recognize the components (i.e., structure) of a personal computer or facsimile device that constitute the “means for transmitting an electronic mail,” to attempt to expedite prosecution, claim 1 has been amended to recite “An electronic mail client distribution system, comprising: means an electronic mail client for transmitting an electronic mail via a mail server; and, the electronic mail client comprising:...”

The amendment to claim 1 clarifies that the electronic mail client transmits the electronic mail, and eliminates the recitation of a “means for transmitting.” This amendment is consistent with, e.g., page 1, lines 11-12 and 25-26 and page 5, lines 6-9 of the specification. For example, page 1, lines 25-26 of the specification state “An *electronic mail client* of the present invention is a client which *transmits an electronic mail via a mail server.*” [Emphasis added.]

Further, claim 9 has been amended in accordance with the Examiner’s comments set forth on page 3, lines 13-15 of the Office Action.

In view of the above amendments and remarks, reconsideration and withdrawal of the rejection under §112, second paragraph, are respectfully requested.

Rejections in View of the Prior Art

Claims 1, 4-10, 13 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Katsuji** (Japanese Publication No. 11-164121, previously cited) in view of **Postel** ("RFC 821: Simple Mail Transfer Protocol," previously cited), and further in view of **Williams et al.** (US Patent No. 5,424,724, newly cited). Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over **Katsuji** in view of **Postel**, and further in view of **Williams et al.** and **Glasser et al.** (US Pat. No. 5,956,715, previously cited). Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over **Katsuji** in view of **Postel** and further in view of **Williams et al.** and **Shimano** (US Pat. No. 4,835,730, previously cited). Claims 14-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Katsuji** in view of **Postel**, and further in view of **Williams et al.** and **Witek** (US Pat. No. 5,461,488, previously cited). For the reasons set forth in detail below, these rejections, to the extent they are considered to apply to the amended claims, are respectfully traversed.

Initially, it is noted that independent claim 1 has been amended to clarify that the determining means and bypass permission table operate in conjunction to quickly determine whether or not bypass should be attempted based on whether or not bypass is possible. Claim 19 has been amended similarly. Support for the amendments to claims 1 and 19 is provided, e.g., in steps S5 (Change SMPT Server), S8 (To Bypass?) and steps S9-S11 of Figs. 4 and 5 and the accompanying description.

The rejections in view of the prior art are similar to the rejections set forth in the previous Office Action, except the Examiner now applies the **Williams et al.** reference to teach the

claimed “bypass permission table.” The “bypass permission table” was added to the claims by the previous Amendment. In particular, in the rejection of independent claims 1 and 19, the Examiner applies the **Katsuji** and **Postel** references in the same manner as applied in the previous Office Action. The Examiner recognizes that neither **Katsuji** nor **Postel** disclose or suggest the claimed “bypass permission table...”. The Examiner applies the **Williams et al.** reference to teach the claimed “bypass transmission table.”

The teachings of the **Katsuji** and **Postel** references were discussed in detail in the previous response. The remarks regarding **Katsuji** and **Postel** set forth in the previous response are incorporated by reference and will not be repeated here.

As will be discussed in detail below, it is respectfully submitted that none of the cited prior art disclose or suggest the operation of the “determining means” in conjunction with the “bypass permission table,” as presently recited in claim 1 (and similarly recited in claim 19).

The Office Action takes the position that a host agent reference table 50 (see Fig. 2) of **Williams et al.** corresponds to the claimed “bypass permission table.” See Office Action, page 7, lines 10-16.

Williams et al. discloses a method and apparatus for distributing electronic mail documents from a user within a local network. As shown in Fig. 1, the distributed data processing system 8 of **Williams et al.** includes local area networks (LANS) 10, 32, each of which includes a plurality of computers 12, 30. Each computer may be coupled to a storage device 14 which stores a host agent reference table that may be accessed and utilized to distribute electronic mail documents or other data objects. See col. 3, lines 9-23. In accordance with the

Williams et al. system, the host agent reference table is provided in association with a host agent server for a particular user within a network to direct transmittal of an electronic mail (col. 4, lines 22-26).

As shown in Fig. 2, the host agent reference table 50 includes a destination node column 52 and a host agent column 54. The destination node column 54 includes a set of destination node identifiers that may be utilized to characterize a particular node or group of nodes within the distributed data processing system 8. The host agent column 54 is utilized in association with each destination node listed within destination node column 52 to designate a particular host agent server which is to be used to couple an electronic mail document to a user at a selected node. See col. 4, lines 42-53.

For example, according to the host agent reference table 50 shown in Fig. 2, an *electronic mail document* addressed to a destination node M5NVM1 will be automatically coupled to a *host agent server* \$DISOSS (see col. 4, lines 53-56). By determining the destination node for a particular electronic mail document from a user and referring to the host agent reference table, a host agent for the destination node may be determined. The electronic mail document may then be transmitted within the local network to the selected host agent and thereafter efficiently transmitted to the destination node (see col. 4, lines 60 – col. 5, line 2).

Based on the portions of the **Williams et al.** reference cited in the Office Action, the Examiner apparently considers a default entry 56 in the host agent reference table to correspond to the functions of the claimed “bypass permission table.” The default entry 56 is utilized for any destination node not listed within the host agent reference table 50. More specifically, when an

electronic mail document is received at a host agent associated with a host agent reference table 50, and the electronic mail document includes a destination node that is not explicitly listed in the host agent reference table 50, the default entry 56 is used to access an ordered list of host agents 58. See col. 5, lines 6-11. The ordered list 58 of host agents is arranged in sequential order representing the likelihood that each listed host agent may be utilized to successfully complete the transmittal of the electronic mail.

In operation, the when an electronic mail is addressed to a destination node not listed within the host reference table, the host agent associated with the host reference table will first attempt to transmit the electronic mail document to host agent \$DISOSS (i.e., the first listed default host agent in the ordered list of host agents 58 in Fig. 2). See col. 5, lines 21-26 and col. 6, lines 4-8. If the host agent fails to receive a confirmation of delivery within a predetermined amount of time, the host agent will thereafter attempt to transmit the electronic mail document to the next listed default host agent \$PROFS. See col. 5, lines 27-32 and col. 6, lines 27-32. Similarly, if this attempt to transmit the electronic mail document fails, then the host agent will attempt to transmit the document to the next listed default host agent LAN1.X.

In contrast to the presently claimed invention, the host agent reference table of **Williams et al.** does not contain information regarding whether or not it is possible to bypass a selected mail server, which information is used to quickly (i.e., immediately) determine whether an auxiliary server is used.

More specifically, the default entry 56 and ordered list 58 of the host agent reference table 50 function to couple an electronic mail to an appropriate host agent when the electronic mail is

addressed to a destination node that is not listed in the host reference table. A transmission of the e-mail using each of the host agents in the ordered list 58 will be attempted until the electronic mail is successfully transmitted (YES, step 88, Fig. 3) or failure of all host agents occurs (step 92, Fig. 3).

However, **Williams et al.** does not disclose or suggest a system by which it can immediately be determined whether or not a bypass of a current server using another server is possible.

More particularly, **Williams et al.** does not disclose or suggest the presently claimed *“wherein, when the determining means determines that a mail server of next in priority is to be selected and the bypass permission table indicates that bypass is possible, the selection means selects the mail server of next in priority order for transmitting the electronic mail,”* and *“when the determining means determines that a mail server of next in priority order is to be selected and the bypass permission table indicates that bypass is not possible, a connection with the mail server ranked first in priority order is established again and the electronic mail is retransmitted via the mail server ranked first in priority order,”* as recited in claim 1 and similarly in claim 19

Accordingly, it is submitted that **Williams et al.** does not disclose or suggest the claimed “bypass permission table.” Therefore, **Williams et al.** does not alleviate the deficiencies of **Katsuji** and **Postel** and the combination of references does not result in the invention recited in independent claims 1 and 19. The dependent claims patentably distinguish over the cited prior art by virtue of their dependency on claim 1. Reconsideration and withdrawal of the rejections under §103 are respectfully requested.

Application No.: 10/632,863
Art Unit: 2142

Amendment under 37 C.F.R. §1.111
Attorney Docket No.: 030817

CONCLUSION

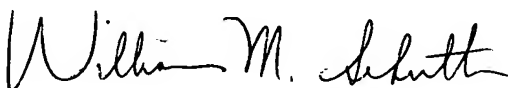
In view of the foregoing, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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